

REMARKS

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of March 6, 2008.

Reconsideration of the Application is requested.

The Office Action

A typographical error in the cover sheet accompanying the Office Action states only claims 1-9 remain in the application, and all claims are refused. However, claims 1-14 were presented for examination (new claims 15-17 are added in this response). The body of the Office Action does address all claims. However, as expanded on below, the claims (e.g., claim 1) were not reviewed with the previously provided amendments.

Status Of The Office Action

As the claims were not fully examined in the previous Office Action, Applicants submit that if the present claims are not allowed, the next Office Action should still be Non-Final, as this would be the first full examination of the claims.

Claims 1-2, 6, and 8-14 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-9 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,842,178 issued to Giovannoli.

Claims 1-17 remain in this application. Claims 15-17 are new.

Telephonic Interview

A telephonic interview was conducted with the Examiner on June 12, 2008.

The status of claims 10-14 was discussed. It is Applicants' understanding with reference to the §101 rejection, that amending base claim 10 to recite a limitation for displaying the request for quotation pack on a device would overcome the §101 rejection of claims 10-14. There were no other stated rejections of these claims.

With reference to claims 1-2, 6, and 8-9, similarly amending base claim 1 to recite a limitation for displaying the request for quotation pack on a device would overcome the §101 rejection of claims 10-14. However, there was additional discussion

regarding the §102(b) rejection of the claims.

First, regarding the §102(b) rejection, independent claim 1 was apparently and inadvertently examined without incorporating the limitations as amended in the Amendment mailed November 20, 2007. Therefore, the amended language has not yet been examined, and several recited features were apparently not considered limiting because of previous "wherein" phrases which had been removed in the November 20 Amendment. However, the Examiner remarked that a number of the limitations could recite more positive language. For example, some of the limitations recited phrases such as "determining whether..." which allowed for a possibility that none of the subject recited actions would necessarily occur. Applicants agreed to amend the claims with more positive language to make clear which actions occur.

The §101 Rejections

Claims 1-2, 6, and 8-9 Directed to Statutory Subject Matter

Independent claim 1 of the present application, stands rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Claim 1, as amended, now recites a limitation for "displaying the request for quotation pack on a computing device for at least one of the suppliers." Support for the transformative step of displaying the request for quotation pack on a computing device may be found in paragraph 40 of the specification, as filed, which states that the "flowchart of FIG. 5 therefore depicts a more detailed view of the process by which documents, including engineering and/or business documents included within an RFQ Pack are generated and then downloaded for display to a supplier." Support for the computing device may be found in paragraph 20, with reference to the workstation 43, or other computing device, as shown in Figure 2.

Claim 1, as amended, is now directed to statutory subject matter, i.e., a tangible request for quotation pack displayed on a computing device. Applicants, therefore, respectfully submit that claim 1, as amended, satisfies the requirements set forth under 35 U.S.C. §101. By reason of dependence from base claim 1, Applicants submit that claims 2, 6, and 8-9 also satisfy the requirements set forth under 35 U.S.C. §101.

Claims 10-14 in Condition for Allowance

Independent claim 10 of the present application, also stands rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. However, claim 10, as amended, now recites a limitation for "displaying the request for quotation pack on a computing device for at least one of the selected suppliers." As with claim 1, support for the transformative step of displaying the request for quotation pack on a computing device may also be found in paragraphs 20 and 40 of the original specification.

For the above stated reasons, claim 10, as amended, is directed to statutory subject matter, i.e., a tangible request for quotation pack displayed on a computing device. Applicants, therefore, respectfully submit that claim 10, as amended, satisfies the requirements set forth under 35 U.S.C. §101. By reason of dependence from base claim 10, Applicants submit that claims 11-14 also satisfy the requirements set forth under 35 U.S.C. §101. Further, since there are no other stated rejections of claims 10-14 in the current Office Action, Applicants respectfully submit that claim 10, as amended, and claims 11-14 depending therefrom, are in condition for allowance. Applicants note that Applicants have amended base claim 10 only for the purpose of reciting several limitations with more positive, less ambiguous language.

The §102 Rejections

Independent Claim 1 not Anticipated by Giovannoli

With reference to independent claim 1 of the present application, the Office Action rejects the claim under 35 U.S.C. §102(b) based on the teachings of Giovannoli. Applicants respectfully traverse this rejection.

Initially, Applicants would like to point out that, in the Final Office Action mailed June 20, 2007, in the Examiner's Response to Arguments, with reference to the recited limitation "wherein the request for quotation and attachments include both engineering and business documents", the Final Office Action asserted that the "wherein" language makes optional the recited limitation and, therefore, does not limit the scope of the claim or limitation. Further, in this regard, the Examiner's Response to Arguments indicated that the scope of the claim was not limited by the language of the wherein clause

because the step was optional. Still further, it was stated that the Examiner must make the broadest possible interpretation of the claim, which leads Applicants to understand that the subject matter of the wherein clause was not considered as limiting. However, Applicants traversed the stated position regarding the wherein clause in a response mailed November 20, 2007, and Applicants also amended claim 1, eliminating "wherein", so that the subject limitation then recited "including joining the selected business and technical documentation into a request for quotation pack."

Applicants now respectfully note, however, that the present Office Action mailed March 6, 2008 does not answer the substance of Applicant's argument regarding the wherein clause, nor does it provide an answer to Applicant's argument that Giovannoli teaches against including engineering documents which comprise a limiting feature of the subject claim not previously considered by the Examiner because of the "wherein" phrase. Giovannoli teaches standardization of product or service descriptions, or appropriate text oriented descriptions to avoid confusion. The engineering documents as recited in claim 1 of the present application, to the contrary, are essential for the description of non-commodity parts. For example, "Electronic transmission of engineering data, such as drawings, to the supplier on such an immediate basis decreases the lead-time necessary for generation of the actual physical parts to be delivered to the buyer" (par. [0021]).

Applicants further note that the present Office Action does not answer Applicant's arguments regarding the limiting features reciting commodity parts or devices and non-commodity parts or devices. Applicants argued that the claim clearly recites a limitation for determining whether the bidding is for a commodity item or for a non-commodity item, and performing appropriate selection of documents based on this determining. Applicants submitted that Giovannoli does not teach or suggest this recited limitation, but, contrariwise, states that "the goods and services must be standard items to ensure that there is no confusion as to what buyers are requesting and what sellers are offering to buyers" (col. 3, line 66 – col. 4, line 1). Applicants further noted that Giovannoli teaches that "Standardization of product or service descriptions is essential to avoid confusion unless a more text oriented specification is appropriate to the product or service type" (col. 4, lines 7-15).

Request that Substance of Applicants' Arguments be Answered

MPEP § 707.07(f) states that "Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it." For at least the above-stated reasons, Applicants respectfully request that answers be placed into the prosecution record regarding Applicants' arguments that Giovannoli teaches against the claimed features reciting non-commodity parts, and that Giovannoli teaches against including engineering documents in an RFQ.

With regard to the above, Applicants further note that the present Office Action also appears to not answer Applicants' above-discussed arguments because claim 1 is incorrectly quoted in the Office Action. The Office Action, in quoting the recited limitations, fails to incorporate amendments made in the response mailed November 20, 2007, and continues to include the "wherein" clauses in the claim, thereby suggesting that Applicants' arguments have not been sufficiently addressed.

Request that the Particular Part of Giovannoli Relied on be Designated

The previous Office Actions mailed December 19, 2006 and June 20, 2007, and the present the Office Action direct the attention of Applicants vaguely to columns 1-8, lines 1-67 (the entire patent) of the discussion of the Giovannoli reference. However, it is respectfully submitted that Giovannoli does not disclose or suggest the subject matter of claims 1-9, as discussed above. That the Office found it not to be practicable to designate the particular part of Giovannoli relied on with any more specificity than somewhere within the entire disclosure of Giovannoli is clear evidence in support of this assertion.

Amendments to Base Claim 1 Based on Telephonic Interview

As a result of the telephonic interview discussed above, Applicants have amended claim 1 to more positively recite several limitations. For example, it was not clear in the claim whether attachments would be included with the request for quotation pack. Claim 1 has been amended herein to recite limitations that the request for quotation pack will include at least one attachment, and further that the attachment will include both engineering information and business information.

Further, limitations reciting the phrase "whether" have been amended to more

positively recite the subject feature. The claim, as amended, is now directed only to non-commodity parts and recites limitations for including engineering information to be used by suppliers for generating the non-commodity parts or devices. Applicant submits that the Giovannoli reference does not teach or suggest these recited limitations and, in fact, teaches against them.

For at least the reasons set forth above, Applicants respectfully submit that the Giovannoli reference does not teach, support, or fairly disclose each and every element of independent claim 1, as amended, and therefore claim 1 is in condition for allowance. As dependent claims 2-9 depend from claim 1 and recite additional limitations serving to further distinguish these claims over the Giovannoli reference, it is respectfully submitted that claims 2-9 are also in condition for allowance.

New claims 15-17

New claims 15-17 further define the recited concepts of base claim 10 over the art of record. Support for the recited downloading limitation of claim 15 can be found in paragraph 20 of the present application. Support for the recited synchronizing, receiving, and generating features of claim 16 can be found in paragraphs 32-34, and support for the close day features recited in claim 17 can be found in paragraph 35.